

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jason Grandison, # 284158,

Plaintiff,

v.

**Pravin R. Patel, SCDC Chief; Willie E. Eagleton,
ECI Warden; Jon Ozmint, SCDC Director;
Robert Ward, Acting Director for SCDC;
South Carolina Department of Corrections,**

Defendants.

C/A No. 4:05-3086-CMC-TER

OPINION AND ORDER

Plaintiff, an inmate incarcerated at Evans Correctional Institution of the South Carolina Department of Corrections, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. Plaintiff claims his constitutional rights were violated because he received inadequate medical care for a retracted ligament in his ankle which has never properly healed. In accordance with this court's order of reference, 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III, for a Report and Recommendation.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”))

(quoting Fed. R. Civ. P. 72 advisory committee's note).

Based on his review of the record, the Magistrate Judge has recommended that the complaint be dismissed without prejudice and without issuance of service of process because Plaintiff has not fully exhausted his state remedies. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff filed a response in which he states that he agrees with the Report and Recommendation.

After reviewing the Complaint, the record, the Report and Recommendation of the Magistrate Judge, and Plaintiff's response, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that this action is **DISMISSED *without prejudice and without service of process.***

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
March 20, 2006

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